THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9411 OF 2006

28th APRIL, 2006

BETWEEN

Salam Bin Ahmed and others

… Petitioners

vs.

The Joint Collector, Ranga Reddy District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9411 OF 2006

ORDER:

The case of the petitioners is that their father Ahmed Bin Salam, original pattadar of agricultural land admeasuring Acs.5.03 guntas in survey No.103/57/A

situated at Shamshabad village and Mandal and after death of their father, they succeeded to the property. They allege that their mother purchased an extent of Acs.5.26 guntas in survey No.103/58/AA in 1968 from D.Jangaiah, as the said land was adjacent to petitioners' land. The petitioners are cultivating the land in both the survey numbers and they or their predecessors never transferred the property to any person. They allege that on 05.07.1999 when they were attending to agricultural operations, respondents 4 to 7 objected to alleging that the petitioners have no right to the land and that the names of the respondents are incorporated in the revenue records. The petitioners came to know that the contesting respondents created an agreement of sale as if it is executed by the first petitioner and approached the third respondent for validation of the sale under Section 5-A of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) and that the Mandal Revenue Officer, the third respondent herein, without conducting enquiry issued proceedings on 07.06.1997 validating the same by Award form No.13(B) and 13(C). Pattadar pass books were also issued to respondents 5 to 7. Aggrieved by the same, the petitioners filed an appeal before the Revenue Divisional Officer, Chevella, the second respondent herein, being No.C/2571/2000. The same was dismissed as barred by limitation. Therefore, the petitioners preferred revision petition under Section 9 of the Act before the Joint Collector-I, Ranga Reddy District, the first respondent herein. By order, dated 10.02.2006, in case No.D5/1634/02, the first respondent dismissed appeal. This writ petition is filed against the said order.

Learned counsel for the petitioners while reiterating various contentions raised in relation to the orders of the Mandal Revenue Officer as well as Revenue Divisional Officer, submits that the respondents 4 to 7 made a false claim, and obtained the validation of sale, which was never effected by any of the petitioners, much less the first petitioner. Therefore, according to the learned counsel, the order of the Joint Collector and the order of the second respondent suffer from grave error requiring interference in this proceedings.

The order of the Joint Collector reads as under.

> The case has been taken on record for enquiry notices to both the parties have been issued while fixing hearing dates on 22.04.2002, 01.07.2002, 26.08.2002, 21.10.2002, 23.12.2003, 23.12.2002, 10.03.2003, 19.04.2003, 01.07.2003, 12.08.2003, 16.09.2003 and number of days on 30.08.2004 and order for correction of stay orders has been issued and the case finally called on 16.09.2005. Both sides are absent. Case was already posted for non-prosecution since already it was posted on 25.02.2005 the case shall be dismissed if not presented no interest is shown by appellants till now. Hence the case is dismissed for non-prosecution and the stay granted on 30.08.2004 is hereby vacated.

A reading of the above order would show that the matter was posted for hearing at least on twelve occasions. The learned counsel for the petitioners or the respondents were absent. Therefore, ultimately on 10.02.2006, the Joint Collector dismissed the case for non-prosecution. The Joint Collector rightly did not go into merits of the case. If the law permits, the petitioner can approach the Joint Collector

for the disposal on merits. When such an application is made, the Joint Collector has to consider whether such power, namely, power to set aside the *ex parte* dismissal order inhers in the revisional authority or not and then decide the matter. This Court is not inclined to express any opinion on various contentions raised by the learned counsel for the petitioners.

The writ petition is devoid of any merit and is accordingly dismissed with the above observations. No costs.

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(V.V.S.RAO,J)

28.04.2006

pln